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APR 13 2009

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STEPHEN R. LUDWIG, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

De'Africa Santiago

Case No.: 2 09 CV 098

Plaintiff,

Judge:

V.

Bureau of Collection Recovery, Inc  
c/o CT Corporation System, Registered Agent  
208 S LaSalle St, Suite 814  
Chicago, IL 60604

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

Defendant.

## JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**FACTS COMMON TO ALL COUNTS**

2. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
3. Plaintiff incurred a “debt” as defined by 15 U.S.C. §1692a(5).
4. At the time of the communications referenced herein, Defendant either owned the debt or was retained by the owner to collect the debt.
5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).
6. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
7. In or around late October and early November 2008, Defendant telephoned Plaintiff’s residence on numerous occasions, often several times in a single day.

8. During several of these communications, Defendant spoke to Plaintiff in a harassing, oppressive, and abusive manner.
9. During several of these communications, Plaintiff's mother answered the telephone and Defendant spoke to Plaintiff's mother in a harassing, oppressive, and abusive manner.
10. During several of these communications, Defendant accused Plaintiff's mother of lying about Plaintiff's whereabouts.
11. During several of these communications, Defendant disclosed to Plaintiff's mother that Plaintiff owed the debt.
12. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial anxiety and stress.
13. Defendant violated the FDCPA.

#### **COUNT ONE**

##### **Violation of the Fair Debt Collection Practices Act**

14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
15. Defendant violated 15 U.S.C. §1692c in that it communicated with a third party and failed to comply with 15 U.S.C. §1692b.

#### **COUNT TWO**

##### **Violation of the Fair Debt Collection Practices Act**

16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
17. Defendant violated 15 U.S.C. §1692d in that Defendant used obscene and/or abusive language during its communications in connection with the collection of the debt.

**COUNT THREE**

**Violation of the Fair Debt Collection Practices Act**

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
19. Defendant violated 15 U.S.C. §1692d in that Defendant repeatedly or continuously telephoned Plaintiff and/or another person with the intent to annoy, abuse, and/or harass that person.

**JURY DEMAND**

20. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

21. Plaintiff prays for the following relief:
- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
  - b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

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